



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/533,743

05/04/2005

Stephen C P Joseph

58117US004

4553

32692 7590 12/21/2009
3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

GONZALEZ, MADELINE

ART UNIT

PAPER NUMBER

1797

NOTIFICATION DATE

DELIVERY MODE

12/21/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

Response to Arguments

Applicant's arguments filed on December 14, 2009 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the declaration filed on June 26, 2009 under 37CFR 1.131: The Joseph reference (WO 02/085533A1) has an international publication date of October 31, 2002. The U.S. effective filing date of applicant's application is the international filing date December 2, 2003. The Joseph reference (WO 02) has a 102(b) date since it has a publication date more than one year to the date of application for patent in the United States, i.e., the one year period being from December 2, 2003 to December 2, 2002. Therefore, since the reference has a 102 (b) date, it cannot be overcome with the declaration.

In response to applicant's arguments regarding the Williams reference: Williams teaches a collapsible cage surrounding a filter and it would be obvious to combine with the Joseph WO 02 and Joseph WO 98, as stated in the previous Office Action. The cage is capable of collapsing along its whole length if the container containing it collapses.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., both, the collapsible container and the collapsible filter, collapse intentionally as paint leaves the container through a spray gun) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

Art Unit: 1797

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument regarding the Leliaert reference: Leliaert has been cited because teaches a filter having an interior cage and an exterior cage supporting the filter and it shows that this arrangement is very common in the filtering art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADELINE GONZALEZ whose telephone number is (571)272-5502. The examiner can normally be reached on M, T, Th, F- 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1797

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797

Madeline Gonzalez
Patent Examiner
December 14, 2009